

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

TRUSTEES OF THE BUILDING
TRADES EDUCATIONAL BENEFIT
FUND, THE BUILDING TRADES
ANNUITY BENEFIT FUND, BUILDING
TRADES WELFARE FUND, and
ELECTRICIAN'S RETIREMENT FUND,

Plaintiffs,

-against-

ORDER ADOPTING R&R

17-CV-5161 (DRH)(ARL)

TANACHION ELECTRICAL
CONTRACTING, INC.,

Defendant.

-----X

HURLEY, Senior District Judge:

INTRODUCTION

Presently before the Court is the Report and Recommendation, dated July 1, 2019, of Magistrate Judge Arlene R. Lindsay recommending that Plaintiffs' renewed request for damages be granted in part and denied in part. Judge Lindsay recommends that Plaintiffs' request for: (1) unpaid contributions in the amount of \$5,149.95 be granted; (2) interest on unpaid contributions in the amount of \$334.74 be denied and the Plaintiffs instead be awarded \$790.55 in interest plus \$.91 per diem in interest through the date final judgment is entered; (3) liquidated damages in the amount of \$1,029.99 be granted; (4) attorneys' fees in the amount of \$2,600 be denied and instead award \$2,100 in attorneys' fees; (5) attorneys' costs in the amount of \$606.75 be granted; (6) accounting fees in the amount of \$2,448.51¹ be granted; and (7) audit interest in

¹ The R&R sets forth accounting fee requests of both \$2,488.51 and \$2,484.51 respectively. R&R [ECF No. 16] at 1, 2. However, the renewed request for damages sets forth an accounting fee of \$2,448.51. (Carney Aff. in Support of Renewed Request for Damages [ECF No. 15] ¶ 4.) The Court, therefore, grants the original requested amount.

the amount of \$181 be denied and no audit interest awarded. The time to file objections has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. As such, the Court adopts the July 1, 2019 Report and Recommendation of Judge Lindsay as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' renewed request for damages is granted in part and denied in part, as set forth above. The Clerk of Court is directed to enter judgment accordingly and close the case.

Dated: Central Islip, N.Y.
September 20, 2019

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge